

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA, and )  
UNITED STATES POSTAL SERVICE, )  
 )  
Plaintiffs/Stakeholders, )  
 )  
-against- )  
 )  
ABCON ASSOCIATES, INC., )  
THE ROSLYN SAVINGS BANK, )  
GOLDBERG & CONNOLLY, )  
HI-LUME CORPORATION, )  
ST. VINCENT'S CATHOLIC MEDICAL )  
CENTERS OF NEW YORK, )  
KAMCO SUPPLY CORPORATION, )  
HAAS & NAJARIAN, LLP, )  
UNITED STATES FIDELITY & )  
GUARANTY COMPANY, )  
LOVETT SILVERMAN, )  
and HSBC USA INC., )  
 )  
Defendants/Claimants, )  
 )  
and ARA PLUMBING & HEATING )  
CORP., and STEVEN G. RUBIN & )  
ASSOCIATES, P.C., )  
 )  
Intervenor Defendants/Claimants. )  
 )  
-----X

**ORDER**

Civil Action No. CV 05-3178

(Wexler, J.)  
(Lindsay, M.J.)

Before the Court in this interpleader action pursuant to Fed. R. Civ. P. 22 is the motion of plaintiffs, the United States of America and the United States Postal Service, seeking leave to deposit with the registry of the Clerk of Court supplemental funds in the sum of \$722,716.57, on the ground that plaintiffs are mere stakeholders herein. They also seek leave to deposit with the registry of the Clerk of Court the listed sum until the funds can be properly distributed to the appropriate claimants pursuant to this Court's August 13, 2007 order of distribution of interpleader funds concerning this action.

This Court, having considered the motion of plaintiffs, and the Court being fully advised in the premises, and good cause appearing therefor based on the Complaint in this action and the memorandum of law, dated June 30, 2005, in support of plaintiffs' motion, finds that such motion should be GRANTED as requested. Therefore,

IT IS HEREBY ORDERED, as follows:

1. Pursuant to Rule 67 of the Federal Rules of Civil Procedure and Local Civil Rule 67.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, plaintiffs shall deposit with the registry of the Clerk of the Court, funds in the sum of \$722,716.57, representing a supplement to the amount of the award proceeds in controversy.

2. With regard to the supplemental funds deposited with the registry of the Clerk of the Court pursuant to the preceding paragraph, the Clerk shall invest such funds in an interest-bearing account or other instrument, wherein such funds shall remain until distributed pursuant to the Court's August 13, 2007 order of distribution of interpleader funds. The Clerk shall deduct from the income on the investment a fee equal to ten per cent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Administrative Office.

It is SO ORDERED at Central Islip, New York, this 14 day of August, 2008.

HON. LEONARD D. WEXLER  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF NEW YORK

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the foregoing **PLAINTIFFS' NOTICE OF MOTION FOR LEAVE TO DEPOSIT SUPPLEMENTAL FUNDS WITH THE REGISTRY OF THE CLERK OF THE COURT IN INTERPLEADER ACTION**, with **proposed order attached**, has this 12th day of August, 2008, been made on all counsel of record via U.S. District Court for the E.D.N.Y.'s electronic case filing system.

By: /s/ Robert B. Kambic  
Robert B. Kambic  
Assistant United States Attorney  
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